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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CELSO MARTEARENA-ARRIOLA,

Defendant.

Criminal No. CR 08-0272 SI

**[PROPOSED] ORDER AND
STIPULATION EXCLUDING TIME
FROM JUNE 16, 2008 TO AUGUST 18,
2008**

The parties appeared before the Honorable Susan Illston on July 11, 2008.

The parties agree that the Court found and held as follows:

1. Time was excluded from June 16, 2008 through July 11, 2008 under the Speedy Trial Act, 18 U.S.C. § 3161(h)(1)(F) because pretrial motions were filed on that day and were not decided as of July 11, 2008. Both parties will withdraw their pretrial motions and file new motions.

**[PROPOSED] ORDER AND
STIPULATION EXCLUDING TIME
CR 08-0272 SI**

1 2. There is an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from July
2 11, 2008 to August 18, 2008, in light of the need for the defendant's newly appointed counsel to
3 review discovery and to prepare for trial. Failure to grant the requested continuance would
4 unreasonably deny defense counsel reasonable time necessary for effective preparation, taking
5 into account the exercise of due diligence and the need for counsel to review the discovery and
6 prepare for trial with the defendant. The defendant asserted his right to a speedy trial but the
7 Court informed the defendant of the bases for an exclusion of time.

8 3. Given these circumstances, the Court found that the ends of justice served by
9 excluding the period from July 11, 2008 to August 18, 2008 outweigh the best interest of the
10 public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

11 4. Accordingly the Court ordered that the period from July 11, 2008 to August 18, 2008
12 be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

13 IT IS SO STIPULATED.

14 DATED: 7/22/08

15 _____
16 /s/
17 ROBERT WAGGENER
18 Counsel for Celso Martearena-Arriola

19 DATED: 7/22/08

20 _____
21 /s/
22 LARA M. KROOP
23 Special Assistant United States Attorney

24 IT IS SO ORDERED.

25 DATED: _____

26 _____
27 THE HON. SUSAN ILLSTON
28 United States District Court Judge